

APPEAL NO. 030533
FILED APRIL 10, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 10, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable right knee injury on _____, and that the claimant had disability from July 17, 2002, continuing to the date of the CCH.

The appellant (self-insured) appeals on a sufficiency of the evidence basis, asserting that the hearing officer gave inappropriate weight to one of the medical reports. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, a custodian in one of the self-insured's facilities, testified that on _____, as she was going down some stairs, she slipped and "twisted around and caught [herself] on [her] right knee." It is undisputed that the claimant had a history of right knee complaints. The self-insured argues that the claimant's current condition and diagnosis is the same as what it was prior to the date of injury and that the claimant has insufficient medical evidence to support the determination of disability.

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there was conflicting evidence, the hearing officer's decision is supported by the claimant's testimony and medical records from the claimant's treating doctor. We would also note that issues of injury and disability can be established based on the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mutual Fire Insurance Company, 765 S.W.2d 394 (Tex. 1989). We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

TD
(ADDRESS)
(CITY), TEXAS (ZIP CODE)

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge